

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KEITH W. SULLIVAN,
Plaintiff,

v.

WARDEN OF SOUTHERN DESERT
CORRECTIONAL CENTER, et al.,
Defendants.

Case No.: 2:23-cv-01203-JAD-NJK

ORDER

(Docket No. 35)

I. DISCUSSION

On March 25, 2025, the Court screened Plaintiff's first amended complaint. Docket No. 30. The Court allowed some of Plaintiff's claims to proceed, dismissed other claims with or without prejudice, stayed the case, and referred the case to the Court's Inmate Early Mediation Program. *Id.* Plaintiff then filed a motion asking that the case be excluded from mediation because he wanted to file a second amended complaint. Docket Number 31. The Court denied the motion to exclude the case from mediation but granted Plaintiff's permission to file a second amended complaint by May 9, 2025. Docket No. 32. However, the Court noted that some of Plaintiff's claims were dismissed for being improperly joined, and that Plaintiff could not bring any improperly joined claims in a second amended complaint. *Id.*

Plaintiff has now filed a motion to supplement the first amended complaint. Docket No. 35. Plaintiff states that he "discovered" that he could file a motion to supplement the first amended complaint rather than filing a complete second amended complaint. *Id.* Plaintiff is mistaken. While the Federal Rules of Civil Procedure allow for supplemental pleadings, a supplemental complaint is meant to provide new information about events that are related to the claims in the operative complaint and have taken place since the operative complaint was filed. *See* Fed. R. Civ. P. 15(d) (explaining that a court may allow supplemental pleadings for an event "that

1 happened after the date of the pleading to be filed”). Thus, a plaintiff may use a supplemental
2 complaint to provide new information about the claims in the operative complaint, not to add new
3 and different claims that predate the filing of the operative complaint.

4 Plaintiff’s supplemental complaint does not provide new information about events that
5 have taken place since he filed the first amended complaint. Rather, Plaintiff attempts to bring
6 new claims that were not included in the first amended complaint and that took place well before
7 Plaintiff filed the first amended complaint. Accordingly, the Court will deny Plaintiff’s motion to
8 supplement the first amended complaint.

9 Furthermore, because the new claims appear to be unrelated to the claims in the first
10 amended complaint, it appears that they would not be properly joined in this case. It is not clear
11 whether Plaintiff decided to try to bring new claims via a supplemental complaint because he
12 wanted to avoid the screening process or the rules on joinder, but Plaintiff cannot avoid the rules
13 on joinder or the screening process by trying to file a supplemental complaint. Plaintiff may still
14 file a second amended complaint by May 9, 2025, as the Court previously provided. However,
15 Plaintiff may not bring improperly joined claims in any second amended complaint, and any
16 second amended complaint will be subject to screening.

17 The Court previously set a mediation conference for May 23, 2025. Docket No. 34. In
18 light of this Order, the Court will vacate the mediation conference set for May 23, 2025. The Court
19 will set a new mediation conference date after May 9, 2025, if Plaintiff chooses not to file a second
20 amended complaint, or after the second amended complaint is screened if Plaintiff chooses to file
21 a second amended complaint.

22 **II. CONCLUSION**

23 Accordingly, for the reasons stated above,

24 IT IS ORDERED that, Plaintiff’s motion to supplement the first amended complaint is
25 **DENIED.** Docket No. 35.

26 IT IS FURTHER ORDERED that Plaintiff may file a second amended complaint on or
27 before May 9, 2025, as outlined in the Court’s April 10, 2025, Order.

1 IT IS FURTHER ORDERED that the mediation conference set for May 23, 2025, is
2 **VACATED**. The Court will set a new mediation conference after May 9, 2025, if Plaintiff chooses
3 not to file a second amended complaint, or after the second amended complaint is screened, if
4 Plaintiff chooses to file a second amended complaint.

5 IT IS SO ORDERED.

6 DATED: April 22, 2025.

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12 NANCY J. KOPPE
13 UNITED STATES MAGISTRATE JUDGE
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